

**DECLARATION FOR PATENT APPLICATION AND APPOINTMENT OF ATTORNEY**

As a below-named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if multiple names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention (Design, if applicable) entitled:

**Activeinvasive EEG Device and Technique** the specification of which (below):

is attached hereto, as a copy of the PCT International app. as Published and as republished with International Search Report (ISR).  
 was filed on \_\_\_\_\_, as Application Serial No. 10/\_\_\_\_\_, and was amended on \_\_\_\_\_ (if applicable).  
 was filed on 17-Dec-2004, as International Application (PCT) No. PCT/US2004/042488, and was amended on n/a (if applicable).

signing below as a named inventor, I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with *Title 37, Code of Federal Regulations, § 1.56(a)*. Further, by signing below, I hereby claim foreign priority benefits under *Title 35, United States Code § 119* of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which the priority is claimed.

**PRIOR FOREIGN APPLICATION(S)**

NUMBER	COUNTRY	DAY/MONTH/YEAR FILED	PRIORITY CLAIMED
<none>		00/ ---- /00	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Furthermore by signing below, I/we hereby claim the benefit under *Title 35, United States Code, § 120 or § 119(e)* of any United States application(s) and/or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of *Title 35, United States Code, § 112*, I/we acknowledge the duty to disclose material information as defined in *Title 37, Code of Federal Regulations, § 1.56(a)* which occurred between the filing date of the prior application(s) and the national and/or PCT international filing date of this application:

APPLICATION NUMBER	FILING DATE	Status (Patented, Pending or Abandoned)
US Provisional appl'n 60/530,696	17 December 2003	Pending at the time PCT ap was filed
PCT/US2004/042488	17 December 2004	Pending

By signing below, I/we hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under *Section 1001 of Title 18 of the United States Code*, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** I (We) hereby appoint as my (our) domestic U.S. representatives/attorneys, the law firm of Macheledt Bales & Heidmiller LLP with full powers of substitution and revocation, to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith:

**Jean Macheledt, Pat. Atty. Reg. Number 33,956 & Jennifer Bales, Pat. Atty. Reg. Number 38,070.**

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<i>DATED AND MADE EFFECTIVE ON:</i> <u>      </u> day of May, the year 2006	
<i>SIGNATURE</i>	

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INCORPORATED HEREIN, ALL TEXT FROM PAGE 1

<i>Full Name of Second [and Sole] Inventor</i> <b>Ken R. WINSTON, M.D.</b>	<i>Citizenship</i> <b>USA</b>
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<i>City</i> <b>Golden</b>	<i>City &lt;only if different from Residence&gt;</i>
<i>State or Country</i> <b>Colorado, USA</b>	<i>Zip</i> <b>80401</b>
<i>State or Country</i> <b>Colorado, USA</b>	<i>Zip</i> <b>80401</b>
<i>DATED AND MADE EFFECTIVE ON:</i> ____ day of May, the year 2006	<i>SIGNATURE</i>